

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TIMOTHY C. MYER and JOHN E.  
GRISWOLD,

Plaintiffs,

v.

NITETRAIN COACH COMPANY INC.;  
NASHVILLE COACH, INC.,

Defendants.

CASE NO. C06-804C

ORDER

This matter comes before the Court on Defendant Nashville Coach's Motion to Continue Deadline for Mediation (Dkt. No. 37), Plaintiffs' Response thereto (Dkt. No. 39), and Defendant's Reply (Dkt. No. 41). The Court, having carefully considered all of the papers submitted and determined that oral argument is not necessary, hereby finds and rules as follows.

The basic facts of this case have been recited in prior Orders of this Court. (*See* Orders (Dkt. Nos. 22, 36).) Defendant's instant motion sought to extend the mediation deadline in this case to July 13, 2007 as well as an order compelling Plaintiff Myer to provide "all updated medical records, and any discoverable material related to a neuropsychologist's evaluation." (Mot. 4.) In response, Plaintiff indicated that all parties have already agreed to a continuance of the mediation date to June 4, 2007, but

1 objected to the request to compel because, Plaintiff argued, it was an improper attempt to seek a Rule  
2 26(a)(2) expert report before such is due. In Reply, Defendant agreed to a June 4, 2007 mediation  
3 deadline, denied that it was seeking expert disclosures early, and requested that Plaintiff be required to  
4 make and supplement initial disclosures, pursuant to Federal Rules of Civil Procedure 26(a)(1)(A) and  
5 26(e)(1).

6 There is no controversy regarding the mediation date. Accordingly, this joint request is  
7 GRANTED and the mediation deadline shall be extended to June 4, 2007.

8 As to the “neuropsychological report,” it is clear that Plaintiff is not required to provide an expert  
9 report before such is due under Rule 26(a)(2). However, Plaintiff is required to provide and supplement  
10 requested discovery as a general matter, including treating physician information, pursuant to Rules  
11 26(a)(1)(A) and 26(e)(1). These requirements already bind Plaintiff and there is no need for an Order  
12 from this Court to impose them. Moreover, Defendant has not made a showing that it has satisfied the  
13 requirement to meet and confer with Plaintiff about Rule 26 discovery requests as dictated by Local Rule  
14 37(a)(2). Instead, Defendant only invokes Rules 26(a)(1)(A) and 26(e)(1) in its Reply to the instant  
15 motion. Accordingly, the Court DENIES Defendant’s request to require specific discovery already  
16 required by the Federal Rules by any particular date. Plaintiff is reminded of the ongoing duty to  
17 supplement disclosures under Rule 26(e)(1).

18 SO ORDERED this 4<sup>th</sup> day of May, 2007.

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20 John C. Coughenour  
21 United States District Judge  
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